



CITY OF GARDEN CITY

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STAFF REPORT
File Number: SUBFY2021-0008 Torne Flats
For: Combined Preliminary and Final Plat processed as a Planned Unit Development
 A 12-lot residential subdivision
Location: 305 E. 45th Street
Applicant: Matt McAnulty
 Design Review: November 15, 2021
 Planning and Zoning: November 17, 2021
 City Council: January 10, 2022



Staff Report prepared by Hanna Veal for the Planning and Zoning Commission and Design Review Committee and updated for City Council by Jenah Thornborrow

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A. Record Documents ([link to all file documents](#))

Individual links:

1. Application Materials
 - a) [SUBFY2021-0008 Initial Submittal September 16, 2021](#)
 - b) [SUBFY2021-0008 Subdivision Name Reservation](#)
 - c) [SUBFY2021-0008 Additional Submittals September 27, 2021](#)
 - d) [SUBFY2021-0008 Additional Submittals October 15, 2021](#)
 - e) [SUBFY2021-0008 Additional Submittals November 10, 2021](#)
 - f) [SUBFY2021-0008 Revised Floor Plans December 28, 2021](#)

2. Staff Reports
 - a) [Design Review Staff: October 18, 2021](#)
 - b) [Planning and Zoning: October 20, 2021](#)
 - c) [Design Review: November 15, 2021, and Planning and Zoning: November 17, 2021](#)

3. Agency Comments: linked in [Section F](#)

4. Public Comments: linked in [Section G](#)

5. Noticing Documents
 - a) [Noticing done by City](#)
 - b) [Property Posting for Design Review Committee](#)
 - c) [Property Posting for Planning and Zoning](#)
 - d) [Property Posting for City Council](#)

6. Recommendations
 - a) [Design Review Committee](#)
 - b) [Planning and Zoning](#)

7. [Draft Potential Decision](#)

B. Recommendation Summary

The Design Review Committee recommended approval of the application, however the Planning and Zoning Commission recommended denial of the application.

Both of the recommending bodies reviewed the application twice. Items that were of concern that were addressed prior to their recommendations were whether Iota is a public street, and the engineering plans were not project specific. It was confirmed by Ada County Highway District that Iota Street is a public street. Also, project specific engineering plans were submitted for review.

The project as reviewed by the recommending bodies included waiver requests for a reduced setback, inadequate open space, number of required parking spaces, size of parking spaces, and an allowance for half of the required enclosed parking spaces to be surface parking.

Both of the bodies noted concerns related to the requested reduction to the number of parking spaces. Both bodies supported the parking space size reduction for the guest spaces as well as the requested waiver to allow surface parking for the required enclosed spaces. There was a recommendation from the Design Review Committee that there not be a waiver granted for the required number of spaces.

The Design Review Committee indicated that they did not believe that the design could be approved by the fire department. They recommended a condition of approval that the project be contingent upon approval by North Ada County Fire and Rescue District. The Design Review Committee also recommended a condition requiring revised elevations to ensure adequate pedestrian level fenestration, side design, and to ensure that the end unit addresses 45th Street.

Much of the discussion that occurred at the Planning and Zoning Commission and Design Review Committee centered around ensuring that the application meets the planned unit development requirement for a variety of housing. The Design Review Committee, as in previous reviews, concluded that their responsibility is limited to the design of the project rather than ensuring that the housing meets a variety of needs. They deferred this interpretation to the Planning and Zoning Commission and the City Council.

Code states "With ten (10) or more dwelling units, a variety of housing types shall be included including attached units (townhouses, duplexes), detached units (patio homes), single-family and multi-family units; provided, that the overall density limit of the district is maintained." Even as there is precedence that the requirement for a variety of housing types can be met by a variety of floor plans that meet a variety of housing needs, the Planning and Zoning Commission concluded that the application, providing only one unit that diverged from the others, was inadequate to meet this requirement.

The Planning and Zoning Commission noted in their discussion that they could not recommend approval of the application based on the lack of a variety of housing types, but that a favorable recommendation would have been possible had they been able to conclude that there was a variety of housing provided.

A more complete synopsis of the items discussed is included in the draft decision document findings of fact and are included in the recommendations.

C. Reconciliation

New Materials

After the recommendations from the Design Review Committee and the Planning and Zoning Commission, the applicant provided revised floorplans on December 28th, 2021, showing:

1. (4) 4 bedrooms, (4) 3 bedrooms, (4) 2 bedrooms;
2. (8) units with enclosed parking for 2 cars, (4) units with enclosed parking for 1 car; and
3. (10) units with 1 surface space provided, (2) units with 2 surface spaces provided.

Additionally, Garden City staff member, Hanna Veal, had a conversation with applicant, Richard Wilmot, on December 30, 2022. During this conversation Wilmot indicated an intent to replace the three previously proposed guest parking with “grasscrete,” a fire rated cellular caste system in which plants can grow.

The provided and stated revisions result in potential changes to the analysis related to housing, fire access, open space, and parking as discussed below:

Housing

At the time of the Planning and Zoning Commission recommendation, there was only one dwelling unit that was different than the rest of the floorplans. There are now four different floorplans that provide 2-, 3-, and 4-bedroom units. There is an anticipated 25-30% price range between the 2 bedroom and 4-bedroom units¹.

Fire Access

The Design Review Committee had noted significant concern with the design related to fire access. They recommended that fire department approval was necessary prior to the approval of construction plans. With previously proposed guest parking spaces in the center of the development being converted to “grasscrete” it is the applicant’s intent that an adequate fire turn around is provided. North Ada County Fire and Rescue District has yet to provide a response to this proposal. A potential condition emphasizing that fire approval is needed prior to approval of the construction plans remains in the draft decision document.

Open Space

Provided that the ‘grasscrete’ encompasses the entire area of the three previously proposed common surface parking spaces and is installed in accordance with GCC 8-4L-4(B), an additional 540 square feet of open space would be provided. This alleviates the need for a waiver for open space.

Parking

The revised floorplans also relieve the need for two of the three waivers related to parking. The revised proposal takes the project from being deficient by two spaces (including the code

¹ Discussion between Garden City staff, Hanna Veal, and applicant Richard Wilmot with Chrysalis Architecture on December 30, 2021

allowance for one on street space) to having an excess of four spaces. The revised proposal also removes the need for a waiver for the guest parking spaces to be 9'x20' rather than code's requirement of 10'X20'.

There is still a need for a waiver for an allowance for four of the required enclosed spaces to be surface parking. The changes to the parking are illustrated below.

Residential Parking Required by GCC 8-4D-5:

Enclosed in garage: 24

Guest: 6

Total Spaces: 30 (10' X 20')

Proposed Parking at the time of the Recommendations

Enclosed in garage: 12

Surface parking on individual lots: 12

Surface parking on common lot: 3 (9'X20')

Total spaces: 27

Revised Proposed Parking for the Project

Enclosed in garage: 20

Surface parking on individual lots: 14

Surface parking on common lot: 0 (previous spaces have been converted to a grasscrete fire access turn around/ open space)

Total spaces: 34

It is presumed, but cannot be confirmed by staff, that these changes do not otherwise affect the elevations, site plan, or landscaping (other than adding to the landscaping calculations should the "grasscrete" be considered landscaping). A standard draft condition of approval, #36 *General Requirements* states "Any changes to the design of this project shall be reviewed by the Design Review Committee for compliance with Garden City Code 8-4. Other changes that are not in conformance with the approval shall be remanded to the decision-making body.

The draft potential decision document reconciles the recommendations. It also removes and adds potential conditions based on the revised materials. Additionally, items have been reworded or regrouped for clarity. Finally, the Planning and Zoning Commission specified the standards that were not compliant with 8-5B-5- and 8-6B-7. It has been presumed that the corresponding standards of 8-6B-2 were intended to be consistent.

In addition to the changes caused by new material and the reconciliation of the recommendations, staff suggests that the City Council consider adding two additional conditions. A potential draft condition item #2 under *Prior to Approval of Building Permits for Structures* requires that the units be constructed to be at or above the anticipated base flood elevation was added due to the subdivision being in the anticipated floodplain. A potential draft condition item #3c under *Prior to Approval of Construction Plans* allows for the movement of the common lot line to facilitate construction of the adjacent units without fire rating the units, provided that there is an easement provided for the common area.

The changes to conditions and conflicts in the required findings are highlighted in the draft potential decision document for the City Council’s convenience.

D. Project Information

Proposed Scope of Work:

This application is for a subdivision and a Planned Unit Development per Garden City Code 8-7A-2 Definition of Terms:

Subdivision: The result of an act of dividing an original lot, tract, or parcel of land into two (2) or more parts for the purpose of transfer of ownership or development; which may also include easements and the dedication of a public street or designation of private lanes or rights-of-way, and the addition to, or creation of, a cemetery

Planned Unit Development: Property planned as a whole that demonstrates innovation in design to protect natural features or create public amenities through more flexible standards, such as lot sizes, densities, and setbacks, than those restrictions that would normally apply under these regulations.

Review Process	Notes
8-5B-4 Combined Preliminary and Final Subdivision Process	
8-6B-7 Planned Unit Development	A Planned Unit Development and a Subdivision can be processed concurrently

Purpose of a Planned Unit Development

A. Purpose: The intent of this section is to provide for well planned developments which conform to the objectives of this title but may deviate in certain respects from the zoning map and the district regulations. It is not the intent that the planned unit development process be used solely for the purposes of deviation from the dimensional standards in the district unless the following objectives are also achieved:

1. Provide a maximum choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre and a reduction in lot dimensions, yards, building setbacks and area requirements.
2. Create a more useful pattern of open space and recreation areas; and, if permitted as part of the project, more convenience in the location of accessory commercial uses, industrial uses, and services.
3. Establish a development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees, and other vegetation and prevents the disruption of natural drainage patterns.
4. Use land more efficiently than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets.
5. Develop a land pattern in harmony with land use density, transportation, and community facilities objectives of the comprehensive plan.

Project Site Conditions

- 1) Street Address: 304 E. 45th Street
- 2) Parcel Number(s): R4265400051
- 3) Subdivision: LOTS 01-04 IOTA SUB #0020-0040-0060-0080-C
- 4) Property Size: 0.680 acres
- 5) Zoning District: R-3 Medium Density Residential
- 6) Zoning Overlay(s): None
- 7) Comprehensive Plan Land Use Map Designation:
 - a) Mixed Use Commercial
- 8) Legal Parcel of Record: Yes
- 9) Floodplain Designation:
 - a) 2003 FIRM: Outside of the Special Flood Hazard Area
 - b) 2020 FIS: 100 Year
- 10) Surrounding Uses within 600 feet:
 - a) Mobile Home Park
 - b) Single Family Dwelling Units
 - c) Industry Light
 - d) Vehicle Services
 - e) Water Reservoir – Garden City Public Works Facility
 - f) Vacant Land
- 11) Existing Use: Manufactured Home/ Mobile Home Park
- 12) Easements on site:
 - a) 5' Public Utilities Easement along all 3 sides of Iota Subdivision
 - b) 40' wide by 300' long Private Roadway easement – dedicated to ACHD.
- 13) Site Access: Iota Street
- 14) Sidewalks: No existing sidewalk
- 15) Wetlands on site: None identified

Project Proposal Details

- 1) Proposed development:
 - a) Subdivision processed as a Planned Unit Development
- 2) Total number of lots: 13
 - a) Common: 1
 - b) Residential: 12
 - c) Commercial: 0
 - d) Mixed Use or Live Work: 0
- 3) Density: 17.7 Dwellings per acre
- 4) Site Coverage²: 29,620.80 square feet (total) 24,234 square feet (after dedication of Iota right-of-way)
 - a) Building: 9,289 square feet =31% of the site
 - b) Landscaping: 9,680 square feet = 32% of the site

² The applicant has verbally indicated that the site plan for which these calculations were derived has been updated to convert the common parking to a "grasscrete" fire turnaround. This will presumably alter the calculations noted by 540 square feet if the parking areas become "landscaping" areas.

- c) Paved Areas: 4,831 square feet = 16% of the site
- 5) Access: Iota Street
- 6) Total number of vehicular parking spaces: 34
 - a) Enclosed: 20
 - b) Driveway: 14
- 7) Total number of bicycle parking: 2
- 8) Refuse: The refuse will be individual services and picked up from the street
- 9) Fencing: 6-foot-tall wood fence
- 10) Sidewalk:
 - a) Attached proposed
- 11) Landscaping: 9,505.47³ square feet
 - a) 232 shrubs proposed
 - b) 34 trees proposed
 - i) 2 Class II Street trees
 - c) Perimeter Landscaping: 16 feet wide perimeter landscaping along the northwest and northeast property boundaries.
- 12) City Utilities
 - a) Water and Sewer connection to lots
- 13) Proposed Easements:
 - a) Lot 7, Block 1 is a common Lot having a Blanket Easement for public utilities, pressure irrigation, storm drainage and for Placement and Maintenance of Water Lines
- 14) Waivers requested as part of the Planned Unit Development:
 - a) Enclosed Parking
 - b) Reduced Setbacks

E. Decision Process

General Provisions

This application is processed per GCC 8-6A-7 Public Hearing.

Required Decisions: The following decision processes are required for the project as governed by GCC Table 8-6A-1:

Decision	Recommendation	Authority/ Hearing	Decision Authority
Combined Preliminary and Final Plat Subdivision	Planning and Zoning Commission: Hearing October 20, 2021 & November 17, 2021		City Council: Hearing rescheduled to January 10, 2021
And Planned Unit Development	and Design Review Committee: Hearing October 18, 2021 & November 15, 2021		

³ This does not include the verbally proposed "grasscrete" area.

Required Findings:

For the approval of a preliminary plat or combined preliminary/final plat subdivision, the decision-making body must find the application meets the following findings, found in GCC 8-5B-5:

1. The subdivision is in conformance with the comprehensive plan;
2. The subdivision is in conformance with all applicable provisions of this title;
3. Public services are available or can be made available; and are adequate to accommodate the proposed development;
4. The subdivision is in conformance with scheduled public improvements in accord with the city's capital improvement program;
5. There is public financial capability of supporting services for the proposed development;
6. The development will not be detrimental to the public health, safety, or general welfare; and
7. The development preserves significant natural, scenic, or historic features;
8. There has been no denial of any application on this property within one year.

To approve a Planned Unit Development, the decision-making body must find the application meets the following findings, found in GCC 8-6B-7. E:

1. The applicant has demonstrated that the proposed development can be initiated within two (2) years of the date of approval;
2. Each individual unit of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which would not be achieved under standard district regulations;
3. The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic and increased densities will not generate traffic in such amounts as to overload the street network outside the PUD;
4. Any proposed commercial development can be justified at the locations proposed;
5. Any exception from standard district requirements is warranted by the design and other amenities incorporated in the final development plan, in accordance with the PUD and the adopted policy of the council;

6. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development;
7. The PUD is in general conformance with the comprehensive plan; and
8. The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed.
9. There has been no denial of any application on this property within one year.

Because the application is a Planned Unit Development, the Decision Maker must also find compliance with Conditional Use Permit findings, found in GCC 8-6B-2. D:

1. The use is appropriate to the location, the lot, and the neighborhood, and is compatible with the uses permitted in the applicable zoning district;
2. The use will be supported by adequate public facilities or services to the surrounding area, or conditions can be established to mitigate adverse impacts
3. The use will not unreasonably diminish either the health, safety, or welfare of the community; and
4. The use is not in conflict with the comprehensive plan or other adopted plans, policies, or ordinances of the city.

Decision

After hearing the evidence and considering the application, the decision maker shall make their decision. The decision maker shall report the facts upon which it based its conclusion, the ordinance and standards used in evaluating the application, the actions, if any, that the applicant could take to obtain a permit, and whether a permit is granted, granted with conditions, or denied. The decision maker shall make its findings and decision no later than by the next regular scheduled meeting.

Pursuant to Garden City Code [Table 8-6A-1 Authorities and Processes](#), the Design Committee and Planning and Zoning Commission are recommending authorities and the City Council is the final decision maker for the requested application.

Recommendations

The Recommending Authority may take one of the following actions:

1. Recommend that the City Council grant the application as applied;
2. Recommend that the City Council grant the application with conditions as drafted or as amended;
3. Recommend that the City Council deny the application; or
4. Request the applicant return with revised materials for additional review.

The recommendations of the Design Committee and the Planning and Zoning Commission does not constitute a final decision on the application. Their recommendations cannot be appealed, as they will be heard by the City Council. The City Council is the final decision maker for this application.

City Council Decision

The City Council may take one of the following actions:

1. Sustain the recommendation as presented to the City Council;
2. Modify the recommendation;
3. Reject the recommendations; or
4. Remand the application to a recommending body for additional proceedings and findings.

A reconsideration request may be made within 14 days of the formal decision being rendered by the City Council. Final decisions are subject to a 28-day right to judicial review pursuant to The Idaho Administrative Procedures Act, Chapter 65 Title 67 Idaho Code. A takings analysis pursuant to Idaho Code may be requested on final decisions.

F. Agency Comments

The following is a summary of the agency comments that were provided at the time of the drafting of this report. All comments are included in their entirety as a part of the record.

Agency	Comment Date	Summary
Ada County Highway District Link to Full Review	10-06-201	<ul style="list-style-type: none"> • Will not be able to provide comment by the requested date of 10/08/2021.
Boise School District Link to Full Review	10-06-2021	<ul style="list-style-type: none"> • Elementary School: Mountain View • Junior High School: Riverglen • High School: Capital
Garden City Engineer Link to Full Review	10-06-2021	<ul style="list-style-type: none"> • The soils report submitted with the application is a report generated from the NRCS database and not a project specific report. A site-specific report from a qualified geotechnical firm is required that assesses the site. The assessment must include soil profiles, depth to seasonal high groundwater and recommendations for long-term infiltration rates for storm water disposal. • The project is a re-subdivision of a portion of Iota Subdivision. The plat of Iota Subdivision notes that the internal road is a private roadway for the use of all the lots within the project. The subdivision plat provided named "45th Street Flats" (that name was not approved by Ada County – the name that was approved is "Torne Flats") notes the roadway is public. Please advise if all landowners will allow the road to be public. • Will the project utilize a Restricted Build Agreement (RBA) process? Due to the density and proposed

		<p>improvements, an RBA may be necessary. Please note that construction or storage of combustible materials on the site will not be allowed until adequate fire suppression water and access is provided as required by the NACFRD.</p> <ul style="list-style-type: none"> • Stamped and signed, by the design professional construction plans, drainage report, O&M manual and storm water agreement must be submitted for review and approval by the city prior to commencement of any construction. • As the construction plans are marked “preliminary,” we will not review the plans. Have the professional in responsible charge seal, sign, and date the plans so the city may perform a review. • As the storm water report is marked as “preliminary,” we will not review the information. Have the professional in responsible charge seal, sign, and date the report so the city may perform a review. The report must adhere to the requirements of the Boise storm water design manual, except that Garden City only requires three vertical feet of separation to high groundwater, unless permeable pavers are utilized. In that case the separation requirements of the Boise manual must be met. • Additional Comments
<p>Garden City Engineer Second Comment Link to Full Review</p>	<p>10-25-2021</p>	<ul style="list-style-type: none"> • Please provide a landscape plan signed and dated by the design professional. • Please provide a preliminary plat signed and dated by the design professional. • Please provide a completed storm water agreement and a stamped and signed, by the design professional, O&M manual for the project. • The soils report submitted with the application is a report generated from the NRCS database and not a project specific report. A site-specific report from a qualified geotechnical firm is required that assesses the site. • The project must be conditioned upon approval of the North Ada County Fire and Rescue District (NACFRD). It is recommended the applicant begin assessing the impacts of this comment as soon as possible. • Please add a narrative to the storm water report describing the various drainage basins and what mitigation effort is being proposed for each basin area. • Additional Comments
<p>North Ada County Fire and Rescue</p>	<p>09-29-2021</p>	<ul style="list-style-type: none"> • For streets having a width less than 33 feet back of curb to back of curb parking shall be restricted on one

Link to Full Review		<p>side; for streets having a width less than 27 feet back of curb to back of curb parking shall be restricted on both sides. A note on the face of the final plat is required noting the parking restriction prior to signing of the final plat by the Boise City Engineer. In addition, No Parking signs shall be installed in accordance with the requirements of the IFC.</p> <ul style="list-style-type: none"> • The minimum outside turning radius of a fire apparatus access road shall be 48 feet. The minimum inside turning radius shall be 28 feet. • Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches. • Dead-end fire apparatus access roads exceeding 150 feet in length shall be provided with an approved area for turning around fire apparatus. • Additional comments
Department of Environmental Quality Link to Full Review	10-07-2021	<ul style="list-style-type: none"> • Standard comments.

G. Public Comment

All public comments provided as of the drafting of this document are below:

Name	Date	Comment
Cody Atkinson Link to Comment	09/28/2021	<p>I think this is a great idea. I own the house at 411 East 45th street which lord knows I will never sell the property for any price. But this will only bring up property values.</p> <p>I just have one issue and that is the folks who current live in the trailers on this proposed construction site. I believe and with any future building they should be compensated with another place to live.</p> <p>Most people who love around this area are in the poverty line and have children and this would put them on the streets.</p>

H. Code/Policy Review

The below serves as an analysis of applicable provisions Garden City Code, Title 8, Development Code and identified applicable policies, plans, and previous approvals.

Garden City Title 8 Code Sections			
Code Section	Review Authority	Compliance Issues	Analysis/ Discussion
Title 8, Chapter 1: General Regulations			
8-1A-4 Applicability			The regulations of Garden City Code, Title 8 Development Code of the City, shall apply and govern development and

			use of all properties within the corporate limits of the city.
8-1B-1 Nonconforming Properties		No compliance issues noted	No comment
8-1B-2 Nonconforming Structures		No compliance issues noted	No comment
8-1B-3 Nonconforming Uses		No compliance issues noted	No comment
Title 8, Chapter 2: Base Zoning District Regulations			
8-2B-1 Purpose	PZ/CC	No compliance issues noted	The application just over 17 units per acre, under the 35 units per acre maximum within the R-3 Zoning District. The subdivision request entitlements for single family attached residential units, which is consistent with the purpose identified for the R-3 Zoning District.
8-2B-2 Allowed Uses	PZ/CC	No compliance issues noted	Single Family Attached Dwellings are a permitted use.
8-2B-3 Form Standards	PZ/CC	Waiver Requested	<p>The code required setbacks are: Front: 5'/20' Interior Side:0'/5' Rear: 15' Street side: 5'</p> <p>The allowable maximum height is n/a</p> <p>The minimum lot size is n/a</p> <p>There are encroachments into the base zoning district rear setback. A waiver has been requested to allow for a 5 feet setback.</p> <p>The application also requests a 0' setback to the common lots for the side setbacks of lots 2, 7, 8, 13 and front setback of lot 13. The intent of code's setbacks will be met as the common lot is acting as the setback. The draft condition allows for this waiver, but a draft condition also allows for the common area lot to be reduced in size provided that an easement is provided for the common space. The reason that this condition is suggested is so that the applicant will have more flexibility with regards to fire penetrations that are not allowed at a 0' setback.</p> <p>All improvements are more than 70' from the Boise River.</p>
Title 8, Chapter 4: Design and Development Regulations			
8-4A-3 Fences and Walls	DC/CC	Complaint as conditioned	A six-foot-tall wood fence proposed. Per code, the 6' tall fence cannot encroach in the front yard setback unless

			<p>reduced to 3.5'. There is a general requirement condition that the application is compliant with 8-4A. Furthermore, there is a condition that would preclude the fence from encroaching across the sidewalk on 45th Street.</p> <p>There has been a draft condition of approval recommended by the Design Review Committee that the fenestration required for street presence not be obscured by fencing.</p>
8-4A-4 Outdoor Lighting	DC/CC	No compliance issues noted	
8-4A-5 Outdoor Service and Equipment Areas	DC/CC	Compliant as conditioned	This proposal does not identify any outdoor service equipment. Any future outdoor service equipment area will be required to be in compliance with code at the time of development.
8-4A-7 Stormwater Systems	DC/CC	Compliant as conditioned	A draft condition of approval has been provided requiring that the stormwater systems be built in compliance with provisions of 8-4A-7.
8-4A-8 Utilities	DC/CC	Compliant as conditioned	<p>A draft condition of approval is provided requiring each lot to be connected to City services.</p> <p>Another draft condition of approval is provided requiring that all utilities be underground.</p>
8-4A-9 Waterways	DC/CC	No compliance issues noted	There does not appear to be Boise River irrigation facilities to the site.
8-4B Design Provisions for Residential Structures			
8-4B-3 Single Family and Two-Family Attached and Detached Dwelling	DC/CC	Compliant as conditions	<p>There is a recommended condition of approval that elevations are provided for the Design Review Committee's review to ensure compliance with addressing 45th Street and providing adequate pedestrian level fenestration.</p> <p>Garden City Code states "All elevations adjacent to public streets must contain:</p> <ol style="list-style-type: none"> a. Windows; and b. Shall have a direct and permanent pathway that connects to the sidewalk and an entrance with decorative posts or roof, or covered porch; and c. Modulation in the building facades."
8-4D Parking and Off-Street Loading Provisions			
8-4D-3 Parking Design and Improvement Standards	DC/CC	Compliant as conditioned	It is not clear in the site plans how wide the parking spaces are. The size of the parking space for a residential unit shall be at least ten feet by twenty feet (10' x 20'). Garage spaces shall be measured from the exterior dimensions.
8-4D-4 Parking	DC/CC	No	

Use Standards		compliance issues noted	
8-4D-5 Required Number of Off- Street Parking Spaces	DC/CC	Waiver Requested	<p><i>These calculations are based on the one vehicular parking spot located within the unit's garage, the one vehicular parking spot located in the driveway, and the surface guest parking provided in the common lot.</i></p> <p>Number of enclosed residential spaces required per code: 24, all in an enclosed garage Number of guest parking spaces required per code: 6</p> <p>Total provided: 34, including 20 enclosed and 14 surface parking</p> <p>*A waiver to allow for 4 of the required enclosed spaces to be surface parking has been requested.</p> <p>There is one bicycle space required for every 6 dwelling units necessitating at least 2 bicycle spaces. These bicycle parking spaces shall be accessible to the entire subdivision and any guests. 2 bike parking spaces have been provided within the common area.</p>
8-4D-6 Standards for Alternatives to On Site Parking	DC/CC	No compliance issues noted	Not requested.
8-4E Transportation and Connectivity Provisions			
8-4E-3 Public Street Connections	DC/CC	Compliant as conditioned	Appears to be code compliant. However, there is a general condition of approval requiring that all streets and driveways shall adhere to the standards of a clear vision triangle at all times.
8-4E-4 Internal Circulation Standards	DC/CC	No compliance issues noted	The site takes access from Iota Street, which is a 40ft wide private drive identified in the Iota Subdivision plat as an easement that has been dedicated to ACHD. There is no direct access to/from 45 th Street.
8-4E-5 Private Street Standards	DC/CC	No compliance issues noted	
8-4E-6 Sidewalk Standards	DC/CC	No compliance issues noted	<p>A 5-foot-wide detached sidewalk with landscape buffer is proposed along 45th Street.</p> <p>Iota Street is required to have 5-foot-wide detached sidewalk as well due to it being a public street. The application proposes a 5-foot-wide detached sidewalk with street trees.</p>
8-4F Sign Provisions			
8-4F-13 Master Sign Program	DC	No compliance issues noted	Not required per GCC 8-4F-13 applicability.

8-4H Flood Hazard	Planning Official	Compliant as conditioned	The City highly encourages that the applicant builds to the best available data identified in the FIS study due to the potential cost of flood insurance and safety concerns for the property. Should the applicant choose not to build above the base flood elevations identified in the FIS, the City will request that the applicant record a Flood Acknowledgement on the property.
8-4G Sustainable Development Provisions			
8-4G Sustainable Development Provisions		No compliance issues noted	<p>A sustainability check list has been submitted.</p> <p>All new development and additions to existing development shall be required to provide for sustainable development practices based on a point system as follows:</p> <p style="padding-left: 40px;">a. All new residential developments over four (4) dwelling units: six (6) points/units.</p> <p>Each unit is required to score at least 6 points. Those points can be repeated for each dwelling unit.</p>
8-4I Landscaping and Tree Protection Provisions			
8-4I-3 General Landscaping Standards and Irrigation Provisions	DRC/CC	No Compliance Issues Noted	
8-4I-4 Landscaping Provisions for Specific Uses	DRC/CC	Compliant as conditioned	<p>A minimum of five percent (5%) of the gross site area shall be landscaped areas, <u>excluding areas for setback or perimeter landscaping.</u> Landscape Provided: 9,680 = 32% of the site⁴.</p> <p>A minimum of one class III or class II tree shall be planted in the frontage and every adjacent streetside. An additional class I tree shall be planted in the corresponding setback for every increment of fifty feet (50') of linear feet of frontage. 45th Street Trees Required: 1 Street + 2 Frontage = 3 trees 45th Street Trees Provided: 1 Street + 2 Frontage = 2 trees * The trees proposed in this location are proven to be good street trees, providing a large tree canopy.</p> <p>Iota Street Trees Required: 1 Street + 6 Frontage = 7 trees Trees Provided: 1 Street + 6 = 7 trees</p> <p>A minimum of one tree per one thousand (1,000) square feet of landscaped area and one shrub per one hundred fifty (150) square feet of landscaped area shall be planted. Trees Required (9,680 square feet landscape): 9.5 trees Trees Provided: 34 as stated in the landscape plans submitted on November 1, 2021</p> <p>Shrubs Required: 63 shrubs Shrubs Provided: 232 – as stated in the landscape plans submitted on November 1, 2021.</p>
8-4I-5	DRC/CC	No	Not required.

⁴ This does not include the verbally proposed grasscrete area.

Perimeter Landscaping Provisions		compliance issues noted	
8-4I-7 Tree Preservation Provisions	DRC/CC	Compliant as conditioned	<p>There are existing trees on the site. A tree mitigation plan has not been submitted to identify the calipers of existing trees. A certified arborists letter will be required prior to any construction permits being issued. There is a statement on the landscape plans stating:</p> <p>“All feasible attempts have been made to preserve existing trees on this site as previous versions allowed for saving one or more of the larger trees. The most recent city requirements, however, have made it impossible to save any of them. As such, these trees will not require mitigation. Although there are no existing trees within the ACHD right of way or on city property an effort has been made to mitigate for the trees being removed. Six additional trees are to be planted over and above the city landscape requirements. Any more would hinder the functionality of the outdoor spaces and detract from the overall desirability of the proposed landscaping. No additional mitigation shall be necessary unless determined so by the city forester prior to issuance of any construction permits.”</p> <p>Please note that any trees removed prior to the certified arborist’s report being submitted will be considered to have been healthy, and thus, mitigation will be required.</p>
8-4L Open Space Provisions			
8-4L-3 General Open Space Standards	DRC/CC	No compliance issues noted	
8-4L-4 Open Space Standards for Single-family, Townhouse, and Two-Family Duplex Developments	DRC/CC	Compliant as conditioned	<p>A minimum of ten percent (10%) of the gross site area shall be in common open space.</p> <p>There is 2,587 square feet of common open space identified in the site plan. This accounts for about 8% of the overall site. The site is deficient by about 2%. An additional 245 square feet is needed for compliance. The applicant has verbally noted that the three common parking spaces will be converted to a “grasscrete” fire turn-around. It is anticipated that the three previously proposed 9’X20’ spaces will equate to 540 square feet of “grasscrete”. As this is adjacent to the common area it can be incorporated as part of the common space, if designed accordingly. This will result in this requirement being met.</p>
<u>Title 8, Chapter 5 Article A: Land Division Regulations – General Provisions and Standards</u>			
8-5A-4 General Standards	PZ/DRC/CC	No compliance issues noted	<p>See discussions on Design Review 8-4 B&C; Driveways 8-4-E; Floodplain 8-4H; Landscaping 8-4-I; Open Space 8-4-L; Parking 8-4-D; Planned Unit Development 8-6B; Private Streets 8-4-E; Sidewalks 8-4-E; Street design and development standards 8-4-G; Sustainable development provisions 8-4-G; Utilities 8-4-A; Zoning Provisions 8-2-B</p> <p>There are general conditions of approval that the application must be in conformance with the requirements of Garden City Code Erosion Control 4-15; Public water and sewer systems</p>

			Title 6; Storm drainage and discharge control 4-14 prior to the approval of the subdivision.
8-5A-5 Design Standards		No compliance issues noted	Interior lots shall be configured so that no front yard shall be adjacent to a rear yard on an adjoining property. Lot 13 currently has its rear yard facing the adjacent property's front yard. However, common lot 1 is between lot 13 and the adjacent property.
8-5A-6 Improvement Standards		No compliant issues identified	
8-5C-4 Subdivisions located within a Floodplain			
8-5C-4 Subdivisions located within a Floodplain	PZ/DRC/CC	No compliance issues noted	This application is not in the regulatory floodplain. However, it is in the anticipated floodplain based on the 2020 FIS model. There is a draft condition of approval requiring that the structures are constructed at or above the 2020 FIS anticipated Base Flood Elevation.
Title 8, Chapter 6, Article A: Administration			
8-6A-3 General Application Process	PZ/DRC/CC	No compliance issues noted	The application was reviewed and considered complete within 30 days of submittal, a notice of application acceptance was issued to the applicant, and staff started processing the application.
8-6A-4 Required Application Information	PZ/DRC/CC	Compliant as conditioned	Application waivers requested pursuant to 8-6A-4A: 1. Will Serve Letter It has been conditioned to require that the "will serve" letter be provided prior to the approval of construction plans.
8-6A-7 Public Hearing Process	PZ/DRC/CC	No compliance issues noted	The applicant provided a neighborhood meeting more than one month and less than three months prior to application submittal. The City provided a radius notice, notifications to agencies with jurisdiction, and ran a legal notice in the Idaho Statesman, at least 15 days prior to the first hearing. The applicant provided an affidavit more than 7 days prior to the hearing that the property was posted more than 10 days prior to the hearing.
8-6B-7 Planned Unit Development	DC/CC	May not be compliant – Discussion Required	Application waivers requested pursuant to 8-6B-7: 1. Enclosed Parking Requirement 2. Reduced setbacks There has been significant discussion whether the application provides adequate diversity of housing to qualify for the planned unit development.

Other Items Reviewed

Plan/Policy	Discussion/ Analysis
Idaho Code 67-6513 Local Land Use Planning Subdivision Ordinance	Garden City has, by ordinance, adopted hearing procedures compliant with section 67-6509 , Idaho Code, for standards and for the processing of applications for subdivision permits under sections 50-

	<p>1301 through 50-1329, Idaho Code.</p> <p>This statute enables Garden City regulations to provide for mitigation of the effects of subdivision development on the ability of political subdivisions of the state, to deliver services without compromising quality of service delivery to current residents or imposing substantial additional costs upon current residents to accommodate the proposed subdivision.</p> <p>This section notes that denial of a subdivision permit or approval of a subdivision permit with conditions unacceptable to the landowner may be subject to the regulatory taking analysis provided for by section 67-8003, Idaho Code, consistent with the requirements established thereby.</p>
<p>Idaho Code 67-6515 Local Land Use Planning Planned Unit Developments</p>	<p>This statute enables Garden City to process applications for planned unit developments.</p>
<p>Garden City Comprehensive Plan</p>	<p>This application is in future land use designations of the Comprehensive Plan:</p> <ul style="list-style-type: none"> a.) Mixed Use Commercial <p>The application may be supported by:</p> <p>Goal 7. Connect the City</p> <ul style="list-style-type: none"> a.) 7.4 Objective: Maintain and improve standards for sidewalks, curbs, and gutters. b.) Goal 6. Diversity in Housing <p>The application may not be supported by:</p> <p>Goal 2. Improve the City Image</p> <ul style="list-style-type: none"> a.) 2.4 Objective: Create a vision for the design of all streets and highways consistent with city's urban setting. <p>Goal 6. Diversity in Housing</p>
<p>Garden City Sidewalk Policy</p>	<p>The application has proposed an attached sidewalk, this is not permitted. A detached sidewalk shall be required.</p>
<p>Garden City Street Light Policy</p>	<p>A streetlight is installed along Iota Street and 45th Street in accordance with the policy.</p>